

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
BOSTON DIVISION**

Musket Research Associates, Inc.,

Plaintiff,

v.

Ovion, Inc.,  
William S. Tremulis, and  
Jeffrey P. Callister,

Defendants.

**Case No. 05-10416 MEL**

Ovion, Inc.,

Counterclaimant,

v.

Musket Research Associates, Inc.,  
David B. Musket, and  
Sue Ann Latterman,

Counterdefendants.

**STIPULATION AND ORDER OF DISMISSAL**

The parties have agreed and hereby stipulate, by their undersigned attorneys, that this action, including all claims, defenses and counterclaims, shall be dismissed with prejudice.

The order (or “Endorsement”) of January 26, 2006, shall be vacated inasmuch as Ovion, Inc. withdrew all subpoenas served without prior notice before Musket Research Associates, Inc. filed its motion to quash.

Each party shall bear its own costs and attorneys’ fees.

This Court shall retain continuing jurisdiction over the parties and the subject matter to enforce the Settlement And Release Agreement of December 18, 2007.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Hon. Morris E. Lasker  
United States District Court

Arthur S. Beeman (admitted pro hac vice)  
Pamela K. Fulmer (admitted pro hac vice)  
DLA PIPER US LLP  
153 Townsend Street, Suite 800  
San Francisco, California 94107  
(415) 836 2541 (telephone)  
(415) 836-2501 (facsimile)

Brooks A. Ames (BBO No. 641192)  
DLA PIPER US LLP  
One International Place, 21st Floor  
100 Oliver Street  
Boston, Massachusetts 02110  
(617) 406-6000 (telephone)  
(617) 406-6100 (facsimile)

Attorneys for Plaintiff and Counterdefendant  
*Musket Research Associates, Inc.* and  
Counterdefendants *David B. Musket* and *Sue Ann Latterman*

By: /s/ Brooks A. Ames

Date: \_\_\_\_\_

Leland G. Hansen (admitted pro hac vice)  
Edward A. Mas II (admitted pro hac vice)  
MCANDREWS, HELD & MALLOY, LTD.  
500 W. Madison Street, 34th Floor  
Chicago, Illinois 60661  
(312) 775-8000 (telephone)  
(312) 775-8100 (facsimile)

Ernest V. Linek (BBO No. 543985)  
BANNER & WITCOFF, LTD.  
28 State Street, 28th Floor  
Boston, Massachusetts 02109  
(617) 720-9600 (telephone)  
(617) 720-9601 (facsimile)

Attorneys for Defendant and  
Counterclaimant *Ovion, Inc.* and Defendants  
*William S. Tremulis* and *Jeffrey P. Callister*

By: /s/ Leland G. Hansen

Date: May 23, 2008